REMARKS

Claims 1-41 are currently pending in the subject application and are presently under consideration. Claims 1, 2, 5, 6, 11, 14, 20, 21, 24, 15, 33, 36, 38, 40 and 41 have been amended as shown on pages 2-8 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 1-41 Under 35 U.S.C. §102(b)

Claims 1-41 stand rejected under 35 U.S.C. §102 (b) as being anticipated by Lau (U.S. 6,101,500). This rejection should be withdrawn for at least the following reasons. Lau does not disclose or suggest each and every aspect set forth in the subject claims.

> A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim. Trintec Industries, Inc. v. Top-U.S.A. Corp.,* 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim. Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed subject matter relates to a system and methodology that provides an optimized means to aggregate a single network's data and/or multiple networks' data, decreasing the amount of effort required by system administrators to keep a network operational and/or to provide control of its utilization and/or update a system's state. In particular, independent claims 1, 21 and 36 relate to analysis component that processes at least a portion of the *aggregated system state data* to determine at least one characteristic of at least one system state, *the at least one characteristic employed to automatically limit a user's utilization of at least one aspect of the networked system.* Lau does not disclose or suggest these aspects of the claimed subject matter.

Lau relates to a network management system and method that facilitates management of objects in a hierarchical data structure. Specifically, an index representing the health of a network object is computed that has a numeric value having

an associated color in which an icon representing the network object in the network management program is rendered. However, the composite index fails to indicate data relating to a historical instance in time *and/or* to a current instance in time *and/or* a future instance in time. Lau presents the composite index to network administrator in a manner such that the administrator can locate information without prior knowledge of the hierarchical data structure but aggregated information relating to a problem is not explicitly presented to the administrator. Furthermore, the composite index represents a degree of confidence that a particular network object is experiencing a problem. However, it displays a value and does not provide the administrator with trend data and other hidden data. Lau is silent with providing a user with ***aggregated* system state data.** Additionally, Lau does not teach or suggest a system that employs collected data to *automatically limit a user's utilization* of an aspect of the network.

Applicants' claimed subject matter relates to a system and methodology for providing monitoring and control of utilization related aspects of networked systems. In particular, a data gathering service component aggregates system information such as health, usage, and performance information. This permits an administrative agent to access the information and generate aggregated reports. This substantially cuts down on the amount of information that must be assessed by the administrative agent. It also permits trends and patterns of system errors to be tracked not only on a single system but over multiple systems to possibly permit prediction of common mode failures/errors of a common piece of hardware for instance. Historical time-based trends can also be tracked. This permits a system utilizing the present invention to provide historical, computer network, *and/or* multi-site data mining. As an example, if a particular user of a system is over utilizing an internet bandwidth connection, the disclosed system provides a means to respond to reduce that particular utilization. This permits a case-by-case assessment without requiring a system-wide mandate to curb a particular system asset (*See* page 10, line 6-22). Thus, the disclosed system automatically issues commands to shed a load on the system or to load balance between servers or multiple systems based on the aggregated data collected. Furthermore, the data gathering component aggregates data based on rules control how *and/or* what *and/or* when and the like that gathered information is aggregated. This permits a powerful amount of control over

administration of a system. It allows only information that is deemed of high importance to a user to be presented in an efficient manner, saving vast amounts of time *and/or* manual composition effort of the same information. ***Aggregated data will inherently have greater value than the sum of its parts due to the added benefits of showing trend data and other hidden data. The aggregated data provided by the disclosed subject matter allows exploitation of a data set not previously obtainable*** (*See* page 13, line 30 to page 14, line 10). As an example, the system obtains system data from system logs. The logs can include, but are not limited to, exchange logs, fax logs, VPN logs, IIS logs, event logs, and RRAS internet connection logs and the like. System data is also obtained from processes running in the system. These processes can include, but are not limited to, health monitoring processes, performance monitoring processes, and utilization monitoring processes and the like. Additional system data is also obtained from other system data sources. These additional data sources can include, but are not limited to, health monitor databases, performance monitoring databases, and utilization monitoring databases and the like. Data can be obtained in a variety of means such as, for example, by direct polling *and/or* transmission by data sources themselves such as via broadcasts, multicasts, *and/or* unicasts and the like. The system data is then aggregated according to predetermined rules such that a user is only presented with relevant data. The aggregated information is typically based upon a desired user request that is stimulated by a predetermined request *and/or* determined by a customized user request set and can include aggregated information *and/or* aggregated data mined information such as trend data *and/or* prediction data. Lau provides a user with a value and/or colored flag associated with a network entity but fails to provide aggregated data that includes aggregated data mined information such as trend data *and/or* prediction data. Furthermore, Lau is silent with respect to a system that suggests automatic corrective features.

In view of the foregoing, it is clear that Lau does not anticipate each and every feature of independent claims 1, 21 and 36 (and claims 2-20, 22-35 and 37-41 that depend therefrom). Accordingly, it is respectfully requested that this rejection be withdrawn.

<u>CONCLUSION</u>

The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP503USB].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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